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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,205

02/24/2004

Hiroyuki Tokimatsu

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22852 7590 10/30/2008  
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EXAMINER

DICKER, DENNIS T

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/784,205	<b>Applicant(s)</b> TOKIMATSU, HIROYUKI	
	<b>Examiner</b> DENNIS DICKER	<b>Art Unit</b> 2625	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☒ Other: See Continuation Sheet.

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625

/D. D./  
Examiner, Art Unit 2625

Continuation of 13. Other: Respons to Remarks. With respect to Claim 1, respectfully disagrees with the applicant that Owa et al (6,348,971) does not teach the limitation of an image forming system having memory to store usage histories of the latent image carriers of the image forming aparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory. Owa teaches a memory (i.e, 50 of Fig. 8) storing usage histories (i.e., 51 of Fig. 8, state management table for storing consumable histories[ i.e., Col. 4 lines 6-8, most recent status is stored in memory indicates history of a consumable]) of the latent image carriers of the image forming apparatuses (i.e., latent image carrier such as a "drum" is a consumable in an image forming apapratus[Col. 4 line 11-13]) and having a function of selecting an image forming apparatus based on the carrier usage history data stored in the memory (i.e., A condition such as remaining consumable [Col. 5 lines 3-9] and print quality may be set and depending on whether a printer meets the recent history of the consumable an optimum printer is selected (i.e., Col. 5 line 41-48) .

With respect to Claim 9,Owa teaches the limitations as explained above but does not explicitly teach a memory for storing usage histories after maintenance as a result the examiner depended on Hopper et al (US 7,061,391) for such a limitation where Hopper teaches a memory (i.e., 50 of Fig. 1) store usage histories after maintenance (i.e., Col. 5 lines 13-20, usage history data after replacement of an image forming apparatus such as a consumable i.e. toner) of the image forming apparatuses

With respect to Claim 13, Owa teaches the limitation of having a memory to tore information related to an average black rato of developer after replacement (i.e., Col. 4 lines 11-13, a developer is a form of consumable, where Owa suggest that various modifications [Col. 17 lines 25-34] can be made to the status information to those skilled in the art to determine an optimum printed based on the usage history).

With regards to all other previosly rejected claims 2-8, 10-12, 14-15 and 19-24, the steps explained above read into the function steps of claims 2-8, 10-12, 14-15 and 19-24.